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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE EASTERN DISTRICT OF CALIFORNIA
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16 **ASSOCIATION OF AMERICAN**
17 **RAILROADS and AMERICAN SHORT**
18 **LINE AND REGIONAL RAILROAD**
ASSOCIATION,

19 Plaintiffs,

20 v.

21 **LIANE M. RANDOLPH, in her official**
22 **capacity as Chair of the California Air**
23 **Resources Board; STEVEN S. CLIFF, in**
24 **his official capacity as Executive**
25 **Officer of the California Air Resources**
Board; and ROB BONTA, in his official
capacity as Attorney General of the
State of California,

26 Defendants,

27 and
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Case No. 2:23-cv-01154-DJC-JDP

STIPULATION AND ORDER RE: (1)
BRIEFING SCHEDULE FOR
DEFENDANTS' RULE 56(D) MOTION;
AND (2) PAGE LIMIT FOR PLAINTIFFS'
COMBINED OPPOSITION AND REPLY
BRIEF ON SUMMARY JUDGMENT

Date: April 25, 2024
Time: 1:30 PM
Courtroom: 10 (13th Floor)
Judge: The Honorable Daniel J.
Calabretta
Trial Date: None Set
Action Filed: June 16, 2023

**EAST YARD COMMUNITIES FOR
ENVIRONMENTAL JUSTICE, PEOPLE'S
COLLECTIVE FOR ENVIRONMENTAL
JUSTICE, and SIERRA CLUB,**

Defendant-Intervenors.

Plaintiffs ASSOCIATION OF AMERICAN RAILROADS and AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION (collectively, "Plaintiffs"), Defendants LIANE M. RANDOLPH, in her official capacity as Chair of the California Air Resources Board; STEVEN S. CLIFF, in his official capacity as Executive Officer of the California Air Resources Board; and ROB BONTA, in his official capacity as Attorney General of the State of California (collectively, "Defendants"), and Defendant-Intervenors EAST YARD COMMUNITIES FOR ENVIRONMENTAL JUSTICE, PEOPLE'S COLLECTIVE FOR ENVIRONMENTAL JUSTICE, and SIERRA CLUB (collectively, "Defendant-Intervenors") by and through their attorneys of record, hereby stipulate and agree as follows:

First, the briefing schedule for Plaintiffs' motion for summary judgment and Defendants' cross-motion was set by the Court as follows: Plaintiffs' opposition and reply brief is due March 26, 2024; and Defendants' reply brief is due April 5, 2024. ECF No. 47. The hearing date on both motions is April 25, 2024. *Id.*

On March 5, 2024, in addition to their opposition and cross-motion, Defendants filed a motion to deny or defer summary judgment under Federal Rule of Civil Procedure 56(d) ("56(d) Motion") and noticed it for hearing also on April 25. ECF No. 53.

Under the Local Rules, Plaintiffs' opposition to Defendants' 56(d) Motion would be due March 19 and Defendants' reply would be due March 29. E.D. Cal. L.R. 230(c), (d).

As Defendants' 56(d) Motion is directed at Plaintiffs' motion for summary judgment and is scheduled for hearing on the same date, the parties believe it will increase

1 efficiency to brief the 56(d) Motion on the same deadlines as the summary judgment
2 motions.

3 Pursuant to the Court's Standing Order, the parties provide the following
4 information regarding prior requests for extensions: (1) stipulation and order extending
5 Defendants' reply deadline for their motion to dismiss (ECF No. 36); (2) order on ex
6 parte application extending briefing deadlines and hearing date on Plaintiffs' motion for
7 summary judgment (ECF No. 38); (3) order on second ex parte application extending
8 briefing deadlines and hearing date on Plaintiffs' motion for summary judgment (ECF No.
9 47).

10 Second, on March 5, 2024, Defendant-Intervenors filed their opposition to Plaintiffs'
11 motion for summary judgment, separate from Defendants' opposition and cross-motion.
12 ECF Nos. 49, 51. Under the Court's standing order, Plaintiffs' reply and opposition brief
13 on summary judgment is limited to a maximum of 20 pages. Standing Order at 3. Given
14 the overlap in the issues, Plaintiffs intend to file a single combined reply and opposition
15 brief responding to both sets of Defendants. Plaintiffs have requested an additional 5
16 pages for their combined opposition and reply brief on summary judgment to account for
17 their need to respond to two briefs.

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1 Now, therefore, **IT IS HEREBY STIPULATED** by and between all the parties to this
2 action as follows:

- 3 1. Plaintiffs shall file their opposition to Defendants' motion to deny or defer
4 summary judgment under Rule 56(d) no later than 3/26/2024 and Defendants
5 shall file their reply in support of their motion no later than 4/5/2024.
6 2. Plaintiffs' combined reply and opposition brief on summary judgment may be
7 a maximum of 25 pages.
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9 Dated: March 8, 2024

Respectfully submitted,

10 ROB BONTA
11 Attorney General of California
12 MYUNG J. PARK
Supervising Deputy Attorney General

13 /s/ Dylan K. Johnson
14 DYLAN K. JOHNSON
15 Deputy Attorney General
16 *Attorneys for Defendants*
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Dated: March 8, 2024

Respectfully submitted,

/s/ Hayes P. Hyde (as authorized on
March 8, 2024)

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1 Dated: March 8, 2024

Respectfully submitted,

2 /s/ Yasmine L. Agelidis (as authorized on
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ORDER

Based on the foregoing Stipulation, and good cause appearing therefore, IT IS
HEREBY ORDERED:

1. Plaintiffs shall file their opposition to Defendants' motion to deny or defer summary judgment under Rule 56(d) no later than 3/26/2024 and Defendants shall file their reply in support of their motion no later than 4/5/2024.
2. Plaintiffs' combined reply and opposition brief on summary judgment may be a maximum of 25 pages.

IT IS SO ORDERED.

Dated: March 8, 2024

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE